

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
NORWOOD TOWNSHIP)	Case No. 19-0044-I
DEMOCRATIC CLUB,)	
Committee,)	
)	
and)	
)	
MILLICENT JOHNSON,)	
Treasurer,)	
)	
Respondents.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondents, Norwood Township Democratic Club and Millicent Johnson, acknowledge that they have received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondents be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondents; the right to present evidence on Respondents' behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to

Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹
2. Respondent Norwood Township Democratic Club is a continuing committee that registered with the Missouri Ethics Commission on May 5, 2004.
3. Respondent Millicent Johnson is listed as the committee treasurer on the Statement of Committee Organization filed with the Missouri Ethics Commission.
4. Pursuant to Sections 105.959 and 105.961, RSMo, the Commission's staff received a complaint filed with the Commission. The Commission's staff investigated the complaint and reported the investigation findings to the Commission.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2019).

5. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

COUNT I

Cash expenditures in excess of limits

6. On April 3, 2018, there was a single cash withdrawal from the committee's bank account in the amount of \$1,500.00.

COUNT II

Failure to accurately report expenditures and file direct expenditure reports

7. On March 16, 2018, a \$380.00 check was drawn from the committee's account. It was reported on the Amended 8 Day Before Election Report for the April 13, 2018 general election. The report stated that the \$380.00 check was divided amongst four campaign workers in amounts ranging from \$80.00 to \$100.00. Respondents did not itemize each payment made to the campaign workers.

8. Respondents did not file Direct Expenditure Reports for these four expenditures.

9. On April 3, 2018, a single \$1,500.00 cash withdrawal was made from the committee's account. It was reported as two expenditures, \$800.00 and \$700.00, on the 30 Day After Report for the 4/3/18 general election.

10. The \$1,500.00 cash withdrawal was divided amongst thirteen campaign workers in amounts ranging from \$100.00 to \$200.00. Respondents did not itemize each payment made to the campaign workers.

11. Respondents did not file Direct Expenditure Reports for these thirteen expenditures.

12. Respondents did not file a Direct Expenditure Report for a \$200.00 expenditure made to Judy Shaw on April 1, 2019. This expenditure was reported on the 30 Day After Report for the April 3, 2018 general election.

13. On January 24, 2018, Respondents made two expenditures directly to a printer, \$674.63 and \$608.58 respectively. Respondents should have reported these as expenditures made to the printer, but the report shows the names of the organizations that benefitted from the expenditures instead.

14. Respondents filed a Direct Expenditure Report in August 2019 for two expenditures made to a printer, totaling \$1,595.62, on March 25, 2019. This report was untimely.

15. Respondents failed to accurately report three contributions made to committees totaling \$500.00. These contributions were reported with incorrect names and street names of the contributors.

Correct Expenditure Name and Correct Address	Date	Amount	Report	Inaccurate Information
Friends of Ella Jones 554 Monceau Drive St. Louis, MO 63135	2/23/18	\$100.00	8 Day Before General - 4/3/18	Reported as "101 Stown St. Louis, MO 63135"
Citizens for LaKeysha Bosely 1428 Salisbury St. Louis, MO 63107	5/25/18	\$200.00	2018 July Quarterly Report	Reported as "1428 S. Abey"
Austin for Mayor 2483 Alexandria Place Pkwy St. Louis, MO 63136	3/19/19	\$200.00	8 Day Before General - 4/2/19	Reported as "Yolanda Austin" not the committee

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Cash expenditures in excess of limits

16. “Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee’s depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee’s depository and signed by the committee treasurer, deputy treasurer or candidate.” § 130.031.2, RSMo.

17. There is probable cause to believe that Respondents violated Section 130.031.2, RSMo, by making a \$1,500.00 cash expenditure which exceeded the \$50.00 allowable limit.

COUNT II

Failure to accurately report expenditures and file direct expenditure reports

18. Committees are required to report expenditures at the times and for the periods prescribe in section 130.046, RSMo, including:

(a) The total amount of expenditures made by check drawn on the committee’s depository;

...

(d) The full name and mailing address of each person to whom and expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purposed of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker[.]

§ 130.041.1(4), RSMo.

19. Pursuant to Section 130.041.1(7), RSMo, continuing committees are required to report “the amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought[.]”

19. There is probable cause to believe that Respondents violated Section 130.041.1(4) and 130.041.1(7), RSMo, by failing to itemize seventeen expenditures made to campaign workers, by failing to timely file Direct Expenditure Reports for eighteen expenditures, by failing to accurately report two expenditures and three contributions made, and by filing a Direct Expenditure Report untimely.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

2. Prior to finalizing settlement, Respondents will be required to file and amend reports and statements with the Commission.

3. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.

a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.

b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,500.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,600.00 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

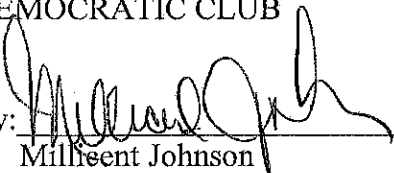
c. Regardless of the stay in paragraph 3.b above, if there is probable cause to believe that any Respondent commits any further violation or violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that there was probable cause to believe such Respondent has committed such a violation.

d. Respondents shall be jointly and severally liable for all fees imposed under this order.

4. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

5. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of this case.

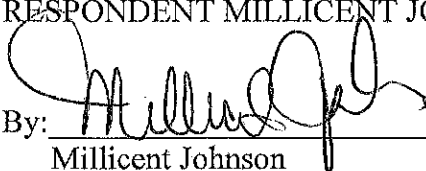
RESPONDENT NORWOOD TOWNSHIP
DEMOCRATIC CLUB

By:  5/14/20
Millicent Johnson Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: _____
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT MILLICENT JOHNSON

By:  5/14/20
Millicent Johnson Date

By: _____
Brian Hamilton Date
Attorney for Petitioner

4. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

5. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of this case.

RESPONDENT NORWOOD TOWNSHIP
DEMOCRATIC CLUB

By: _____
Millicent Johnson Date

RESPONDENT MILLICENT JOHNSON

By: _____
Millicent Johnson Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler
Elizabeth L. Ziegler Date
Executive Director

By: Brian Hamilton
Brian Hamilton Date
Attorney for Petitioner

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
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Petitioner,)	
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v.)	
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NORWOOD TOWNSHIP DEMOCRATIC)	Case No. 19-0044-I
CLUB,)	
)	
and)	
)	
MILLICENT JOHNSON,)	
)	
Respondents.)	

CONSENT ORDER


The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that there is probable cause to believe that Respondents violated Sections 130.031.2, 130.041.1(4) and 130.041.1(7), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,500.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,600.00 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
3. Regardless of the stay in paragraph 2 above, if there is probable cause to believe that any Respondent commits any further violation or violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that there was probable cause to believe such Respondent has committed such a violation.

4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 29th day of May, 2020

By: 
Cheryl D. S. Walker, Chair
Missouri Ethics Commission